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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,527	09/10/2004	Nikolaus Jacoby	22999	1359

535 7590 02/22/2006

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EXAMINER

LUK, EMMANUEL S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Subheadings are needed within the disclosure.

Appropriate correction is required.

Claim Objections

2. Claim 5 is objected to because of the following informalities: The claim is dependent upon claim 1, but claim 5 also refers to claim 4 and claim 5 within the parentheses. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claim 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrault (2940119) in view of Weir (1821128).

Perrault teaches a pipe ejector-pull out device having a carriage (12).

Perrault fails to teach a second carriage on top of the first carriage and motor means.

Weir teaches a second carriage (13) that moves on top of the first carriage (2), the second carriage can thus be moved along the first carriage and motive means (page 2, line 128) for moving the second carriage.

It would have been obvious for one of ordinary skill in the art to modify Perrault with a second carriage and motor means as taught by Weir in order to provide a carriage that is capable of being moved to locations and having the same means for moving to further power the second carriage in removal of articles.

Allowable Subject Matter

6. Claims 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach the first and second carriage for

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withdrawing the bar from the bar or tube press having the second carriage movable on the first carriage and specifically, the sensors for the carriages.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ukronpina (1961261), Okada (3829273), Boggs (2997737), Holden (3946483), Schafer (2994919), Yamamoto (4358264).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 8 to 5 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER

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